

## ARTICLE V. MEMBERSHIP

### A. Requirements.

#### 1. Definitions.

a. For purposes of this section “Reservation” means the areas referenced in Public Law 103-324, 25 U.S.C. §1300k-2(b)(2)(A) as “the boundaries of the reservations for the Little Traverse Bay Bands as set out in Article I, paragraphs ‘third and fourth’ of the Treaty of 1855, 11 Stat. 621.”

b. “Durant Roll” means the Durant Roll of 1908 as approved by the Secretary of the Interior on February 18, 1910, and as clarified by Durant’s corresponding field notes.

2. **March 31, 2003 Roll.** All persons whose names appear on the Roll prepared by the Little Traverse Bay Bands of Odawa Indians and submitted to the Department of the Interior, Bureau of Indian Affairs, notice of receipt of which was published in the Federal Register on March 31, 2003, are members of the Little Traverse Bay Bands of Odawa Indians.

3. **Eligibility.** The following persons shall be eligible for membership in the Little Traverse Bay Bands of Odawa Indians:

a. All persons who are one fourth (1/4) or more North American Indian blood quantum, and can prove direct lineal descent from a person or persons identified in one or more of the sub-sections below:

i. All persons listed on the Durant Roll under the following Ogemuk (leaders or “chiefs”) or areas of residency:

Nawwemaishcotay - Cross Village

Shawwawdayse – Charlevoix

Shawwawnegwnaybe - Bay Shore

Louis Micksawbay – Charlevoix

Awmegwawbay – Petoskey

Nawogemaw - Good Heart/Middle Village

Simon Kewaydezhick - Harbor Springs

Joseph Waybwaydum - Burt Lake

Daniel Nesawwawquot - Harbor Springs Payzhickwaywedung - Beaver Island

Nawoquaygawbowe – Manistique

Kawgegaypenayse - North Shore

ii. All persons whose name appears on the Durant Roll who resided

within the Reservation at the time the Durant Roll was compiled;

iii. All persons listed on any of the Annuity payrolls of Ottawa & Chippewa Indians of Michigan from 1836 to 1871 and referenced in the 1850 through the 1920 Federal Population Enumeration (Census Records) who resided within our Reservation boundaries at the time the payrolls were written.

b. All descendants of persons enrolled under subsection 2 or 3(a) who are at least one fourth (1/4) North American Indian blood quantum.

**B. Adoption.**

**1. Membership by Adoption into the Tribe.**

a. Any person who can verify at least one fourth (1/4) North American Indian blood quantum may be adopted into the Little Traverse Bay Bands of Odawa Indians by a majority vote of the full Tribal Council, if that person can also demonstrate, by other means, substantial community ties to the Tribe, as defined by Tribal statute.

b. Adult persons who become members of the Little Traverse Bay Bands of Odawa Indians through the adoption procedure developed by the Tribal Council to implement this section shall thereupon enjoy and be entitled to the rights and privileges associated with membership in the Tribe except the elected positions of Tribal government.

**2. Membership Rights of Children Who Have Been Adopted By Members of The Little Traverse Bay Bands of Odawa Indians.** Indian minor children who are at least one fourth (1/4) North American Indian who have been legally adopted by members of the Little Traverse Bay Bands of Odawa Indians, in a Tribal Court or any other court of competent jurisdiction, are also eligible to be adopted by the Tribe. They shall thereupon enjoy and be entitled to the rights and privileges associated with membership in the Little Traverse Bay Bands of Odawa Indians except the elected positions of Tribal government.

**3. Membership Rights of Indian Children Who Have Been Legally Adopted by non-member Indian or Non-Indian Families.** Any Indian child eligible for membership pursuant to Section A(3) of this Article who is legally adopted in a Tribal Court or any other court of competent jurisdiction by a non-member Indian or non-Indian family shall be eligible for membership in the Little Traverse Bay Bands of Odawa Indians, notwithstanding such adoption.

**C. Dual Membership Prohibition.**

No person shall be a member of the Little Traverse Bay Bands of Odawa Indians if that

person is enrolled in another federally recognized tribe. Any person enrolled in another federally recognized tribe shall be subject to disenrollment from the Little Traverse Bay Bands of Odawa Indians.

**D. Relinquishment of Membership**

1. Enrollment in any other federally recognized Tribe shall be deemed voluntary relinquishment of membership from the Little Traverse Bay Bands of Odawa Indians and such individual shall be subject to disenrollment.
2. Individual members may relinquish their Little Traverse Bay Bands of Odawa Indians membership, which shall be done in writing and presented to the Tribal Council according to procedures developed by the Tribal Council.
3. A Tribal Judicial review shall be required should a parent or legal guardian submit a voluntary relinquishment of Little Traverse Bay Bands of Odawa Indians membership for a minor or for a person deemed incompetent by the Tribal Court. Such relinquishment shall only become effective upon approval of the Tribal Court based on a finding that the relinquishment is in the best interests of the child or the person deemed incompetent.

**E. Minor Re-Enrollment**

Any minor whose membership has been relinquished by a parent(s) or legal guardian, shall be eligible for re-enrollment at any time after reaching the age of eighteen (18). A minor may be re-enrolled before reaching the age of eighteen (18) upon recommendation of the Tribal Court and approval of the Tribal Council.

**F. Re-Enrollment**

Once removed from the Tribal membership roll, an adult individual shall not be eligible for re-enrollment for a period of five (5) years.

**G. Membership Roll**

1. The Executive Branch shall maintain the official Tribal roll of all Tribal members.
2. Membership shall be final upon affirmative vote of a majority of the full Tribal Council, provided that the Tribal Council must accept or reject new membership applications within sixty (60) days of receipt of recommendations from appropriate staff and committees.
3. The Executive Branch shall prepare and submit an annual report to the Tribal Council on the past year's changes to the membership roll.

**H. Disenrollment.**

**1.** No person on the March 31, 2003 roll may be involuntarily disenrolled unless they are shown to have knowingly presented falsified documents or become a member of another Federally recognized Tribe.

**2.** Other members may not be disenrolled unless the Tribal Council determines by an affirmative vote of at least seven (7) of the nine (9) members of the Tribal Council that such persons do not meet the eligibility requirements of this Article.

**3.** No enrolled Tribal member who meets the eligibility requirements in this Article shall be subject to disenrollment.

**4.** No person may be disenrolled unless they are first notified in writing of the reason(s) that their eligibility is in question, and given one hundred eighty (180) days after such notification to present documentation and arguments to the Tribal Council. Upon request of the individual or after one hundred eighty (180) days, the Tribal Council shall give such person a fair hearing before the Council. The Tribal Council shall give such person at least thirty (30) days written notice before the hearing on their case before the Tribal Council. Until disenrollment is finalized, the individual shall have all rights of a Tribal member including services and any monetary entitlements. The hearing shall be open unless the member in question requests that the hearing be held in closed session.

**5. Right of Appeal.**

**a.** Any person whose application for membership has been denied, or who has relinquished or been disenrolled, shall have a right of appeal to the Tribal Judiciary within one (1) year of such action.

**b.** Such appeal rights do not extend to any person whose petition for membership by adoption into the Little Traverse Bay Bands of Odawa Indians has been denied.

**c.** Nothing in this section is intended to prevent a person whose application has been denied from reapplying for membership at some future date.

**I. Membership Statute**

The Tribal Council shall have the power to enact laws not inconsistent with this Article to implement these provisions.